IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2992 OF 2004

Kishco Cutlery Limited.....Petitioners

Versus

State of Maharashtra & Ors..Respondents

Mr.Navin Parikh i/b. S.V. Shetty & Co., for the Petitioners
Mr. S.K. Nair, A Panel Counsel for Respondents.

CORAM: F.I. REBELLO, J.
DATE : 4th November,2004

P.C.:

1. Draft amendment handed over. Amendment allowed in terms of the draft handed in. Amendment to be carried out within seven days from today.

2. Rule. Heard forthwith. The grievance of the petitioner is that in the pending appeal a stay has been granted on 4th August, 2004 by the Minister of State and inspite of that the respondents have proceeded to issue an order of attachment on 2nd November, 2004 inspite of the fact that the grant of stay was brought to the notice of the Authorities.

. On the other hand on behalf of the respondents it is pointed out that the Honourable Chief Minister has only directed that the Appeal be heard and disposed of. It is also pointed out that the Minister of State may not possibly have jurisdiction to hear and dispose of the appeal.

3. It is not necessary to go into that aspect. Suffice it to say that there was a stay which had not been recalled and, therefore, it is binding on the respondents. Once that being the case there could not have been an order of attachment. The Appeal is still pending.

. In the light of that petition can be made absolute in terms of prayer clause (a) to the extent of notice of July, 2004 and 2nd November, 2004. The Appeal to be disposed of within twelve weeks from today.

(vi) Rule made absolute accordingly. No order as to costs.

. Parties/Authorities to act on an ordinary copy of this order duly authenticated by the Associate/Personal Secretary of this Court.

(F.I.REBELLO, J.)